

EXHIBIT 228

Page 1

1 THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION
4 DONNA CURLING, et al.,
5 Plaintiffs,
6 CIVIL ACTION FILE
7 vs.
8 NO. 1:17-CV2989-AT
9 BRAD RAFFENSPERGER, et
10 al.,
11 Defendants.

10 VIDEOTAPED DEPOSITION OF DONNA CURLING
11 TAKEN BY REMOTE VIDEOCONFERENCE

January 19, 2022

20 REPORTED REMOTELY BY:
21 LAURA R. SINGLE, CCR-B-1343

Page 18

1 Q. Ms. Curling, have you seen this document
2 before?

3 A. Yes, I have.

4 Q. Okay. And did you assist in providing
5 answers to the request for admissions submitted by
6 Secretary Raffensperger?

7 MR. SPARKS: Ms. Curling, I'm going to
8 instruct you at this time not to answer with any
9 information that would reveal attorney-client
10 privileged information or any of the work product
11 that your attorneys have provided you in this
12 case.

13 BY MR. BELINFANTE:

14 Q. And to that point, Ms. Curling, I'm not
15 asking what you said. I'm just asking if you
16 assisted in providing answers.

17 A. It was a joint effort between myself,
18 co-Plaintiffs, and the attorneys to answer these
19 questions.

20 Q. All right. Thank you.

21 Let me show you request for admission
22 number three. Here it says: Admit that you have no
23 evidence that any component of the election system
24 was actually hacked prior to or during the elections
25 on November 3rd, 2020.

Page 19

6 BY MR. BELINFANTE:

7 Q. You can answer.

8 A. I think because there's no way to know one
9 way or another, but there -- there were a -- there
10 was a lot of diligence done after the election that
11 gave me confidence in the election results of 2020.

12 Q. Okay. And I will show you these were
13 provided to us on January 14, 2021. Do you see that?

14 A. Yes, I do.

15 Q. Okay. And sitting here today, are you aware
16 of any evidence that any component system of the
17 election system was actually hacked prior to or
18 during the elections held on November 3rd, 2020?

19 MR. SPARKS: Objection to the extent it
20 calls for a legal conclusion.

21 And to the extent it asks you to reveal
22 privileged or protected conversations with
23 counsel, please do not answer.

24 MR. BELINFANTE: Mr. Sparks, do you want to
25 tell me what the attorney-client privilege is if

Page 20

1 it's asking for evidence that she's going to
2 need? I want to be able to adjust my question if
3 I need to.

4 MR. SPARKS: Do you want to repeat the
5 question for me, Counsel? I'll see if I can --

6 MR. BELINFANTE: Sure.

7 BY MR. BELINFANTE:

8 Q. Sitting here -- sitting here today,
9 Ms. Curling, do you have -- are you aware of any
10 evidence that any component of the election system
11 was actually hacked prior to or during the elections
12 held on November 3rd, 2020?

13 MR. SPARKS: So I think there -- forgive me
14 for being semantic, Counsel; but I think there's
15 some [indiscernible] in terms of when you're
16 speaking to awareness. Keep in mind there are
17 documents and expert testimony marked attorney's
18 eyes only in this litigation, and counsel's
19 advice to its clients about the posture of the
20 litigation and about the impact of that
21 protective order would be privileged. So at
22 minimum -- at minimum, I wanted to ensure the
23 witness was aware of the concern.

24 Does that help you understand?

25 MR. BELINFANTE: It helps me understand.

Page 21

1 BY MR. BELINFANTE:

2 Q. Ms. Curling, I'll note that your counsel is
3 not instructing you not to answer the question
4 completely, so do you need me to ask it again?

5 A. Are you asking me if I'm aware of any hacks
6 on the system for 2020? Is that your question?

7 Q. Yes. My question is effectively the request
8 for admission number three. Sitting here today, are
9 you aware of any evidence that any component of the
10 election system was actually hacked prior to or
11 during the elections held on November 3rd, 2020?

12 A. I am not.

13 MR. SPARKS: Same objection and instruction.

14 BY MR. BELINFANTE:

15 Q. Sitting here today, are you aware of any
16 facts that would show that the results of any
17 election held in Georgia on November 3rd, 2020, were
18 actually changed in any way as a result of hacking or
19 the insertion of malware into any component of the
20 election system?

21 MR. SPARKS: Objection to the extent it
22 calls for a legal conclusion.

23 Same instruction. Please don't reveal any
24 privileged information. You may answer if you
25 know.

Page 22

1 THE WITNESS: I do not know of any.

2 BY MR. BELINFANTE:

3 Q. All right. So why -- were you aware of any
4 on -- were you aware of any evidence on January 14,
5 2021?

6 A. I guess I'm confused. You're going to have
7 to clarify what you're asking.

8 Q. Sure.

9 On January 21 of last year, we asked you to
10 admit that you had no evidence that any malware was
11 actually inserted into any component of the election
12 system prior to or during the elections held on
13 November 3rd, 2020. You denied that.

14 I'm asking, why was it denied? Did you have
15 evidence at that time that there was actually malware
16 inserted into any component of the election system
17 prior to or during the elections held on November 3rd
18 of 2020?

19 A. Can I answer?

20 MR. SPARKS: You may answer to the extent it
21 doesn't reveal privileged or protected
22 conversations with counsel.

23 THE WITNESS: I -- I would maintain that
24 there's no evidence either way really.

25 BY MR. BELINFANTE:

1 active organization?

2 A. It's -- I guess it is. It's a website where
3 we try -- well -- and when -- by we, I mean my
4 partner Donna Price handles all of the posting things
5 out there just to -- it's kind of a place to get
6 information about voting.

7 Q. I see.

8 Okay. Does -- does Georgians for Verified
9 Voting have members other than you and Ms. Price?

10 A. No, not anymore.

11 Q. Okay. Is it a paid position or a volunteer?

12 A. Volunteer.

13 Q. Can you tell me your understanding of what
14 the mission is of Georgians for Verified Voting?

15 A. Just to keep voters informed and in
16 particular when we were voting on DREs to try to help
17 voters understand the flaws in that system and to
18 encourage them to vote on hand-marked paper ballots
19 so that there would be a record of their vote.

20 Q. You say in paragraph 4 that your role in
21 GAVV has provided you with familiarity with Georgia's
22 election system of voting. Based on my knowledge of
23 Georgia's system, including the vulnerability of DRE
24 machines to hacking and the lack of any paper trail,
25 I am afraid that my vote will not be counted equally

Page 36

1 in the upcoming November 2018 midterm election,
2 particularly in the light of the active attempts to
3 hack Georgia's system by Russia and others.

4 Do you see that?

5 A. I do.

6 Q. Okay. And that was a true statement when
7 you made it in 2018?

8 A. Yes.

9 Q. Okay. Tell me about your familiarity with
10 Georgia's electronic voting system. And
11 understanding that this paragraph is referring to at
12 the time the Diebold DRE machines, what was you
13 under -- when you say you were familiar with it, can
14 you kind of tell me what you meant by that?

15 A. Well, at the time my main objection was that
16 in January or February of 2017 I read about a breach
17 in the system at KSU and knew that the system -- the
18 database had been left open to the public for -- I
19 don't think it's ever been determined how long the
20 system was just out there and open. So when it says
21 particularly in light of my active attempts, the
22 active attempts, that's what I'm referring to.

23 Q. Okay. You have previously voted on the DRE
24 machines, correct?

25 A. Yes.

Page 37

1 Q. Okay. When you say that there were active
2 attempt to hack Georgia's system by Russia, what
3 facts led you to make that statement?

4 A. Well, just that the system was open and -- I
5 mean, based on the things that I had read, I felt
6 like Russia was a possibility; but it also says and
7 others. I mean, the bottom line is the system was
8 not secure, it was open, and there easily could have
9 been attempts to hack the system.

10 Q. Are you aware of any actual attempts to hack
11 the system, the DRE system?

12 A. I am not, but I'm also not aware that there
13 were not any.

14 Q. And when you say others, did you have anyone
15 specific in mind?

16 A. No.

17 (Exhibit 3 was marked for
18 identification, attached at the end of
19 the original transcript.)

20 BY MR. BELINFANTE:

21 Q. All right. I'm going to show you -- and
22 your counsel can get you your declaration from
23 October 4 of 2019.

24 MR. SPARKS: I'm handing Ms. Curling a
25 document with the ECF number 619-3 filed October

1 proposed election system?

2 A. No.

3 Q. Let's look at paragraph 6. If you'll just
4 read that to yourself and then let me know when
5 you've done so.

6 A. Yes.

7 Q. Okay. When you say you'll be forced to vote
8 on a system that I do not believe will count my vote
9 equally and fully, what did you mean by that?

10 A. There's no way to know if my vote is counted
11 as cast because my vote is translated into a QR code,
12 which is not human readable.

13 Q. Are you -- at the time that you completed
14 this application in October of 2019, were you aware
15 that the proposed election system as defined in this
16 declaration provided not only the QR code but also a
17 list of the voter's choice below?

18 A. I'm not -- wait a minute. I'm not
19 following. Sorry.

20 Q. That's all right. Let me do this.

21 All right. Ms. Curling, I'm going to show
22 you what is Exhibit A to one of the declarations in
23 this case, which is a Barrow County official ballot
24 from November 3 of 2020. Would you agree with me
25 that when a voter votes on a -- well, first off, can

Page 42

1 you see this?

2 A. Yes, I can see it.

3 Q. Okay. Would you agree with me that when a
4 voter votes on Georgia's current election system, the
5 Dominion BMD system as I'll refer to it, this comes
6 out of the printer and the voter takes this printout
7 to a scanner --

8 MR. SPARKS: Objection --

9 BY MR. BELINFANTE:

10 Q. -- or something like this?

11 MR. SPARKS: Objection; compound.

12 You may answer.

13 THE WITNESS: Honestly, I've only voted on
14 BMD recently, and it's for municipal elections,
15 so I've never seen anything that looks like this
16 coming out of the printer. I saw a single vote
17 was all.

18 BY MR. BELINFANTE:

19 Q. You -- oh, go ahead. I'm sorry.

20 A. No. That's okay.

21 If you say that's what it looks like, I
22 guess that's what it looks like. I honestly don't
23 know from experience.

24 Q. All right. You -- you recently voted in a
25 municipal election on the BMD system?

Page 43

1 A. Yes, I did.

2 Q. Do you have any reason to believe that your
3 vote was not counted?

4 A. I have no way of knowing.

5 Q. Do you have any reason to believe, though --
6 understanding that you may not know but do you have
7 any reason to believe that your vote was not counted?

8 MR. SPARKS: Objection; asked and answered.

9 You can answer.

10 THE WITNESS: I mean, I maintain I could see
11 what the printed out said my vote was as I
12 intended; but I have no idea, when I put into the
13 scanner, the scanner read the QR code. I don't
14 know.

15 BY MR. BELINFANTE:

16 Q. Okay. And when you voted, you did see the
17 list or the name of the candidate who you selected on
18 the actual ballot that was printed out from --

19 A. Yes.

20 Q. Okay.

21 A. Yes.

22 Q. And did you read it before turning it into
23 the scanner?

24 A. Yes.

25 Q. All right. And so while this ballot is --

Page 44

1 I'll submit to you is an example of a BMD ballot, did
2 your ballot generally look like this with a QR code
3 on the top and the list of candidates and referendum
4 below?

5 A. Yes.

6 Q. Okay. And your objection to the BMD system
7 is that QR code; is that correct?

8 A. That's correct.

9 Q. All right. And if the ballot did not have
10 the QR code and just listed the name of the
11 candidates, would you have an objection?

12 MR. SPARKS: Objection. It calls for
13 speculation.

14 BY MR. BELINFANTE:

15 Q. You can answer, Ms. Curling, if you -- if
16 you know.

17 A. So are you asking me if -- if the machine
18 did not translate it into a QR code but just printed
19 out what -- the voter's selections and the voter's
20 selections were what were scanned, would I be okay
21 with that? Is that your question?

22 Q. Almost. That may be one coming up.

23 My -- my question right now is not if it's
24 scanned. My question right now is simply if the
25 ballot did not have the QR code but listed the names

Page 45

1 of your choices, would that be objectionable to you?

2 MR. SPARKS: Objection. It calls for
3 speculation and vague.

4 You may answer, if you know.

5 THE WITNESS: I mean, I would have less of a
6 problem with it if there were no QR code.

7 BY MR. BELINFANTE:

8 Q. Okay. If you have less of a problem, then
9 that suggests to me there's still a problem. Could
10 you tell me what the problem would be if that -- if
11 the ballot just listed out your choices and did not
12 have the QR code?

13 A. Well, the -- the problem for me is -- is
14 that everything is software dependent, and I feel
15 like even with hand-marked paper ballots that are
16 scanned risk-limiting audits are required to really
17 get voter confidence.

18 Q. So is the issue then -- and, again, I'm
19 asking a hypothetical; and the hypothetical is that
20 you would vote and you would have a ballot like this
21 without the QR code. Is the issue that you're voting
22 by machine and it's a machine that uses software?

23 MR. SPARKS: Objection; compound, calls for
24 speculation.

25 You may answer, if you know.

Page 46

1 THE WITNESS: Yes, I guess so.

2 BY MR. BELINFANTE:

3 Q. Tell me what it is that you're asking the
4 Court to order in this case. What is -- and by that
5 I mean, what is the relief you're seeking in this
6 lawsuit?

7 A. Hand-marked paper ballots and risk-limiting
8 audits.

9 Q. And by hand-marked paper ballots, are you
10 referring only to ballots that a voter marks with a
11 pen or pencil?

12 A. Unless the voter has possession of the
13 physical paper, then, yes, I think. Wait a minute.
14 Let me think about that. Ask the question again.

15 Q. Sure.

16 When you say -- well, let me just ask this
17 first. Tell me what you mean by hand-marked paper
18 ballot that you're -- you said -- and I'm sorry,
19 Ms. Curling, just a second.

20 You said you're asking the Court to
21 effectively order hand-marked paper ballots. Tell me
22 what you're asking the Court to order, what you mean
23 by hand-marked paper ballots in that context.

24 MR. SPARKS: Objection. It mischaracterizes
25 testimony.

Page 47

1 You may answer.

2 THE WITNESS: That the voter is marking the
3 ballot themselves and it is inherently voter
4 verified.

5 BY MR. BELINFANTE:

6 Q. And when you say marking the ballot
7 themselves, do you mean with a pen or pencil or other
8 writing device?

9 A. Yes.

10 Q. Okay. Are you -- would -- if the Court were
11 to order hand-marked paper ballots using Scantron
12 technology or fill-in-the-bubble technology -- do you
13 know what I mean by that?

14 A. Yes, I do.

15 Q. If the Court would to order
16 fill-in-the-bubble or Scantron technology type
17 ballots, would that satisfy what you're seeking in
18 the lawsuit?

19 MR. SPARKS: Objection. It calls for
20 speculation.

21 You may answer.

22 THE WITNESS: With the addition of
23 risk-limiting audits.

24 BY MR. BELINFANTE:

25 Q. So -- and is that a yes? I'm sorry.

Page 48

1 A. Yes. With risk-limiting, yes.

2 Q. Okay. With risk-limiting audits, correct?

3 A. Correct. Yes.

4 Q. Okay. All right. And are you opposed to
5 hand-marked paper ballots using bubble technology
6 being counted on a machine?

7 A. Are you talking about marked and counted on
8 a machine?

9 Q. No. I'm talking about what you just defined
10 as hand-marked paper ballots and --

11 A. Okay.

12 Q. -- what's used the fill-in-the-bubble one
13 right now. If the Court ordered fill-in-the-bubble
14 type ballots, would you be opposed to those ballots
15 being counted on a machine or tabulated on a machine?

16 A. As long as there were risk-limiting audits,
17 I would be okay with that.

18 Q. Okay. If the machine that tabulated the
19 ballot had software, would you be opposed to the
20 machine tabulating the ballots?

21 A. Again, I believe audits are required if any
22 machine is involved in tabulating the votes.

23 Q. Okay. So you're not asking for voters to
24 write out the name of the candidate and have humans
25 review that as the hand-marked paper ballot, correct?

1 Georgia's elections in 2022?

2 A. In 2022?

3 Q. Yes; in this year's election.

4 A. Oh, the upcoming election, no, I -- I do not
5 know of any.

6 Q. Okay. I'm going to go to paragraph 26.

7 Here it says: Despite this authority and ability to
8 avoid unsafe systems, Defendants allowed the special
9 election to be run on a compromised system. The
10 Defendants refused to use the only safe method for
11 conducting elections - paper ballots.

12 Do you see that?

13 A. Yes, I do.

14 Q. Okay. Would you agree with me that the BMD
15 system utilizes a paper ballot?

16 A. Yes, it does.

17 Q. Would you agree with me that the BMD paper
18 ballot is verifiable by the voter?

19 MR. SPARKS: Objection --

20 THE WITNESS: I would --

21 MR. SPARKS: -- vague. It calls for
22 speculation.

23 You may answer.

24 THE WITNESS: I would disagree with you on
25 that.

1 BY MR. BELINFANTE:

2 Q. Okay. Tell me why you disagree.

3 A. Because on the current system, you can only
4 see what you select; but you cannot see what is
5 counted.

6 Q. And when you say counted, you mean by the
7 tabulation machines?

8 A. Correct.

9 Q. Okay. You've talked a fair amount about
10 risk-limiting audits. Can you tell me what you mean
11 by risk-limiting audit?

12 A. No. Well, I know that there are
13 statisticians who understand exactly what that means
14 and the amount of auditing that would be required to
15 ensure voter confidence. I am not that person.

16 Q. That's fair.

17 Would you agree with me that -- that
18 statisticians disagree on what constitutes a
19 risk-limiting audit?

20 A. I know there is some disagreement, yes.

21 Q. And if the Court were to order a
22 risk-limiting audit as part of the relief in this
23 case, sitting here today can you articulate or
24 explain what that would look like?

25 MR. SPARKS: Objection. It calls for

1 A. I'm sorry. It's the -- the KSU Center for
2 Elections where they handled everything for the
3 Secretary of State at the time.

4 Q. Okay. The last sentence of paragraph 42
5 says: In Georgia a bad actor could manipulate the
6 State's electrical process by targeting and
7 infiltrating CES.

8 Do you see that?

9 A. Yes, I do.

10 Q. Sitting here today, do you have any
11 knowledge of any bad actor who actually manipulated
12 the State's electoral process by targeting and
13 infiltrating the CES?

14 A. I have no information of that, but I also
15 have no information that it did not occur.

16 Q. Okay. I'm going to show you paragraph 131.
17 Here you allege that the failure to comply with the
18 Georgia Constitution and the Georgia Code concerning
19 elections is a violation of federal due process when
20 the patent and fundamental fairness of the election
21 is called into question.

22 Do you see that?

23 A. Okay. I'm going to ask you to start over
24 because the page was behind and I wanted see it as
25 you spoke.

Page 62

1 experience there was only one race on that. If it
2 had been a longer ballot, I am not a hundred percent
3 sure that I would notice if a particular race was
4 missing or amendments and things like that when I
5 would be verifying something that came from the
6 machine, so...

7 Q. Would a -- and is there anything that would
8 prevent you from verifying a paper ballot that comes
9 out of a BMD?

10 A. I'm not sure I understand.

11 Q. Sure. I'm just trying to understand why the
12 BMD ballot you -- you view as not verifiable. So is
13 there anything that prevents you from reading through
14 the choices to see what it -- if it lines up with how
15 you intended to vote?

16 A. Okay. My understanding -- and I haven't
17 actually seen a printed ballot from a longer
18 election -- is that it prints your choices. If you
19 skipped a race, it would not show that. Am I correct
20 about that?

21 Q. I can't really answer for you, Ms. Curling.
22 What I can do is go back to the exhibit. I'll show
23 you Exhibit A to Mr. Starks' declaration. We'll just
24 this Barrow County one.

25 Presume that this is an actual ballot. Do

1 you see here where it says, blank contest for
2 sheriff?

3 A. Yes.

4 Q. So we have --

5 A. So it's prints -- okay.

6 Q. Go ahead.

7 A. No. You go ahead.

8 Q. I was going to say what do you understand
9 that -- that area or that -- that to mean, blank
10 contest?

11 A. Well, if this is what the printer prints,
12 that was not my understanding. I thought that
13 anything -- if you skipped a particular race that it
14 just would not show up; but you're -- what you're
15 showing me, it lists each one and it shows that that
16 was blank, that I intentionally left that blank. Is
17 that correct?

18 Q. That's -- I mean, that's certainly what the
19 document seems to suggest, but the -- so -- and here,
20 too, you can see where there's a vote recorded for
21 the Constitutional Amendments 1 and 2. Do you see
22 that?

23 A. No, I don't. Wait. Wait.

24 Q. Sure.

25 A. Yes. Okay.

1 Q. Does that help?

2 A. Yes.

3 Q. Okay. And if someone were using a bubble-in
4 hand-marked paper ballot, the -- is it your
5 understanding that a constitutional amendment's text
6 would be on that ballot?

7 MR. SPARKS: Objection. It calls for
8 speculation.

9 THE WITNESS: No. As long as there's -- you
10 know, it shows that that was there, then, no,
11 that's not a problem.

12 BY MR. BELINFANTE:

13 Q. Okay. So looking at this ballot and now --
14 and presuming that this is, in fact, an accurate
15 ballot that comes out of a BMD machine or at least an
16 accurate example of a ballot that comes out of the
17 BMD machine, do you still believe that the ballots
18 are not verifiable?

19 MR. SPARKS: Objection; vague, calls for
20 speculation.

21 You may answer.

22 THE WITNESS: It's not verifiable, no.

23 BY MR. BELINFANTE:

24 Q. Why is that?

25 A. Because the machine is not going to read the

Page 65

1 part that I'm looking at to verify that my votes are
2 accurately recorded.

3 Q. But can the -- would you agree with me that
4 the voter can verify that the choices identified here
5 below the QR code are consistent with that voter's
6 intent?

7 A. Yes.

8 Q. I'm going back to your original complaint in
9 Fulton County. Are you able to see this,
10 Ms. Curling?

11 A. Yes.

12 Q. Okay. I'm on page 81 of the document using
13 the ECF number. Part of the relief sought in this
14 middle bullet point is to grant injunctive relief
15 requiring that certification of results of the recent
16 Congressional District 6 elections and the elections
17 itself be declared void ab initio and enjoining the
18 future of Georgia's DRE-based voting system.

19 Do you see that?

20 A. Yes.

21 Q. What did you understand that complaint to be
22 seeking in terms of relief as it relates to just that
23 bullet point?

24 A. That the election results were invalid
25 because there's no way of knowing. This was on DREs,

1 A. This is not -- this lawsuit is not about
2 overturning election outcomes. It's about having a
3 system that we can have confidence in. And I think
4 overturning elections is a big deal, and those were
5 very special circumstances was why that was in the
6 original complaint.

7 Q. Do you have more confidence in the BMD
8 system than you did the DRE system?

9 A. I can't say that there's a difference.
10 They're both non -- not transparent to me.

11 Q. But you would agree that the BMD system does
12 at least involve a paper ballot, correct?

13 A. Correct.

14 Q. All right. And that -- that does not give
15 you any more confidence?

16 A. If the paper ballots were counted, the human
17 readable portion, sure; but that isn't the case.

18 Q. All right.

19 (Exhibit 8 was marked for

identification, attached at the end of
the original transcript.)

22 BY MR. BELTNEANTE:

23 Q. I'm going to show you what I've marked as
24 Exhibit 8, which is the Third Amended Complaint filed
25 in October of 2019.

1 Have you seen this document before?

2 A. Yes, I have.

3 Q. All right.

4 MR. SPARKS: Counsel, I do have a file
5 stamped clean copy of the operative complaint in
6 this case. I'm going to hand it to the witness
7 so she can see what she needs to see with
8 clarity. Is that permissible?

9 MR. BELINFANTE: Absolutely. Thank you.

10 BY MR. BELINFANTE:

11 Q. Let's go to paragraph 8, which is on page 5
12 of the complaint. If you'll just read that and let
13 me know when you've completed it.

14 A. Okay. I'm finished.

15 Q. Okay. It says here that there is a risk
16 that a vote will not be properly counted. Sitting
17 here today, do you have any reason to believe that
18 any vote cast in Georgia elections since the 2020 --
19 excuse me.

20 Sitting here today, do you have any reason
21 to believe that any vote cast in a Georgia election
22 using the BMD machine was not properly counted?

23 A. I would maintain there's no way to know.

24 Q. Sitting here today, do you have any personal
25 knowledge that the declared results will be contrary

1 to the will of the voters?

2 A. Again, there's no way to know.

3 Q. And sitting here today, do you have any
4 evidence that the system has been hacked by any third
5 parties?

6 A. There's no way to know either way.

7 Q. Would you agree with me that there are risks
8 associated with hand-marked paper ballots?

9 A. Yes.

10 Q. Okay. And those risks could include the
11 hacking of scanner machines, couldn't it?

12 A. Yes.

13 Q. Okay. And those risks could include that a
14 voter colors outside the line and their vote is not
15 counted, right?

16 A. Correct.

17 Q. And those risks could include someone
18 improperly completing ballots and in effect stuffing
19 them into a ballot box; is that correct?

20 A. Are you -- I want to you make sure I
21 understand you. You're saying in the case of
22 hand-marked paper ballots that someone could just
23 mark a bunch of random ballots and stuff them into
24 the box?

25 Q. Yes.

1 A. Yeah. Yeah. I mean, I guess it's
2 theoretically possible; but I -- given the security,
3 I would be surprised if that were possible.

4 Q. Okay. Do you believe that the possibility
5 of hacking a scanner is a very real risk?

6 MR. SPARKS: Objection; vague.

7 You may answer.

8 THE WITNESS: Yes, I would believe it is a
9 real risk.

10 BY MR. BELINFANTE:

11 Q. Okay. It says in the first sentence that
12 the case is not merely about a technical or
13 theoretical risk. What did you mean by theoretical
14 risk?

15 MR. SPARKS: Objection to the extent it
16 calls for a legal conclusion.

17 You may answer.

18 THE WITNESS: That something potentially
19 could have happened. I think that's what it
20 means by theoretical, but -- I'm done. Sorry.

21 BY MR. BELINFANTE:

22 Q. Okay. And what takes this lawsuit or your
23 concerns -- what makes it where it's not a
24 theoretical risk?

25 A. I'm guessing we're talking about audits for

1 me.

2 Q. Okay. So the theoretical risk of things
3 identified in this paragraph could be cured by
4 audits? Is that your position?

5 A. Honestly, I feel like it's all outside of my
6 limited knowledge to know; but I think that experts
7 could -- could make the system safer to use.

8 Q. If the Court were to order -- and I
9 understand it's a hypothetical; but if the Court were
10 to say we're going to keep the BMDs as they are but
11 order risk-limiting audits as even Dr. Stark
12 suggests, would your concerns about elections be
13 resolved?

14 MR. SPARKS: Objection. It calls for
15 speculation and a legal conclusion.

16 You may answer.

17 THE WITNESS: I would have to think about it
18 more deeply, but just my first impression is yes.

19 BY MR. BELINFANTE:

20 Q. And in paragraph 8 of the Third Amended
21 Complaint when it talks about these risks, were you
22 addressing both BMDs and the former DRE system?

23 A. Are you talking about all the risks
24 mentioned in paragraph 8?

25 Q. Yes.

1 of faith in that -- I have -- I have faith that --
2 that the results are correct.

3 Q. Okay. Do you understand that the recounts
4 were limited to the presidential election?

5 A. Yes, I do. Yes, I do. So, yes, just on
6 the -- yes, you're right. There's no way of knowing
7 for the rest of it. That's correct.

8 Q. So -- so sitting here today, do you believe
9 that the results of the election of Senator Ossoff
10 were valid?

11 A. I guess there's no way to know.

12 Q. And the same would be true of Senator
13 Warnock?

14 A. The same would be true.

15 Q. The second sentence says that the case is
16 about forcing voters to choose between totally
17 relinquishing their right to vote. What do you mean
18 by that?

19 A. Well -- okay. If -- if you have no faith in
20 the system that you're using, then it's the same
21 thing as if, okay, I -- I don't believe the -- I
22 don't believe the system can accurately reflect my
23 vote, so, therefore, I just won't vote.

24 And I guess that's -- I'm not sure which
25 part of the question you're asking about; but if

1 you're asking about totally relinquishing the right
2 to vote, that's, I think, what that's referring to.

3 Q. You voted in the general election in 2020,
4 didn't you?

5 A. Yes, I did.

6 Q. Did you vote using an absentee ballot?

7 A. Yes, I did.

8 Q. How did you return that absentee ballot?

9 A. Through the mail.

10 Q. Do you have any concerns that that ballot
11 was not counted?

12 MR. SPARKS: Objection; vague.

13 You may answer.

14 THE WITNESS: I haven't had -- I haven't had
15 the best of luck in using the absentee ballot
16 system that is supposed to be your remedy if you
17 don't want to use the machines. I would not know
18 if not for this lawsuit; but on more than one
19 occasion, my votes were not counted.

20 BY MR. BELINFANTE:

21 Q. But in the November 2020 election, do you
22 have any reason to believe that your mail-delivered
23 absentee ballot was not counted?

24 MR. SPARKS: Objection; vague.

25 You may answer.

1 THE WITNESS: I don't know.

2 BY MR. BELINFANTE:

3 Q. You don't know if you have a -- let me --
4 you don't know if your ballot was counted? Is that
5 your testimony?

6 A. That's correct. I don't know.

7 Q. Okay. Do you believe that there are very
8 real risks associated with voting absentee?

9 A. Yes. I think there are risks in any -- any
10 way you vote.

11 Q. All right. Let's look at paragraph 12 of
12 the third amended complaint on page 6 of the
13 document. When it says you're asking the Court, one,
14 to hold Defendants liable for violation of Georgia's
15 voters' rights in connection with the relevant
16 previous elections, what did you mean by that?

17 MR. SPARKS: Objection to the extent it
18 calls for a legal conclusion.

19 You can answer, if you know.

20 THE WITNESS: Honestly, some of this stuff
21 is just legal mumbo jumbo to me. I'm not sure
22 that I understand exactly what it's saying.

23 BY MR. BELINFANTE:

24 Q. All right.

25 A. Let me read it again. Okay?

1 light, I believe.

2 Q. And you don't have a problem if hand-marked
3 paper ballots are tabulated by an optical scanner as
4 you've just defined it, do you?

5 A. Again, as long as there are audits, I do not
6 have a problem.

7 Q. Let's look at paragraph 72.

8 A. 72?

9 Q. Yes, ma'am. If you'll just read that and
10 then tell me when you've done so.

11 A. Okay.

12 Q. All right. I think we've covered this; but
13 when you say that the proposed system, which refers
14 to the BMD system, does not provide a meaningful way
15 for a voter to audit their vote, what did you mean by
16 audit their vote?

17 A. Verify their vote.

18 Q. Okay. And the issue there again is the QR
19 code?

20 A. Correct.

21 Q. You say that the proposed election system,
22 which again refers to the BMDs, will not be
23 substantially safer than the current system.

24 Do you believe that the proposed election
25 system or the BMD system is in any way safer than the

1 Q. So do you sitting here today believe that
2 the presidential election from November of 2020 in
3 Georgia was verified?

4 A. Yes.

5 Q. And can you tell me what steps or actions
6 taken lead you to that conclusion?

7 A. The Secretary of State went through numerous
8 forms of diligence to ensure confidence in the race.

9 Q. Do you believe that the presidential
10 election from November of 2020 violated anyone's
11 constitutional rights?

12 MR. SPARKS: Objection. It calls for
13 speculation, vague.

14 You may answer.

15 THE WITNESS: Not that I know of.

16 BY MR. BELINFANTE:

17 Q. And is that because of the actions taken
18 after the election?

19 MR. SPARKS: Same objection.

20 THE WITNESS: Yes.

21 BY MR. BELINFANTE:

22 Q. Even though you testified a moment ago that
23 the paper itself is worthless?

24 MR. SPARKS: Objection.

25 THE WITNESS: No, no.

1 Q. All right. Let me try again.

2 You believe that there is no way to
3 provide -- that a -- that a -- there's no way to
4 provide a meaningful way for a voter to audit their
5 vote using the BMD system. Is that your testimony?

6 A. That's --

7 MR. SPARKS: Objection; vague.

8 You may answer.

9 THE WITNESS: That's my testimony because
10 they have no idea what's in the QR code.

11 BY MR. BELINFANTE:

12 Q. Right.

13 And, again, how do you have confidence in
14 the presidential election from November 2020 or is
15 the voter's audit of their vote distinct from the
16 verification of a ballot?

17 A. No; because audits were performed on --
18 that's why.

19 Q. Okay. So the problem then is really not the
20 QR code or the BMD system. The problem is
21 conceivably at least the lack of audits. Let me --
22 strike that.

23 The problem is not the BMD or the QR code.
24 Your concern with Georgia elections is the lack of an
25 audit that is up to your standards?

Page 83

1 appears to be at least some tension between your
2 concerns about the BMD QR code ballot; but your
3 acknowledgment, as I understand it, those ballots can
4 be used in a way to verify the election.

5 So my question is can you conduct a
6 constitutional election using the BMDs as Georgia
7 does that have QR codes if there is a risk-limiting
8 audit?

9 A. That is what we currently have; and as far
10 as I am concerned, I don't understand why there's --
11 that nontransparent piece was put in there, but it --
12 but that's the part that that bother -- it's not -- I
13 don't think if we did -- I don't know. I'm getting
14 all twisted up. Sorry.

15 The BMDs are susceptible to manipulation;
16 and the proposed system does not provide a meaningful
17 way for a voter to know that their vote is recorded
18 accurately to be counted by the scanner because that
19 is not what is scanned.

20 So is -- does that answer your question?

21 Q. Those concerns could be addressed, though,
22 by a risk-limiting audit; isn't that right --

23 MR. SPARKS: Objection --

24 BY MR. BELINFANTE:

25 Q. -- in your interpretation?

1 paragraph are we?

2 THE WITNESS: 80.

3 MR. SPARKS: 80. Thank you.

4 BY MR. BELINFANTE:

5 Q. All right. For the problems that are -- or
6 alleged problems that are identified in paragraph 80,
7 subparagraphs (a) through (e), do you have any
8 personal knowledge of any of those things actually
9 happening in a Georgia election utilizing the
10 Dominion BMD system?

11 A. I don't know if they did or did not.

12 Q. I'll show you paragraph 81.

13 A. Yes. I read that.

14 Q. Okay. All right. This sentence, one
15 vulnerability was the ability of remote attackers to
16 implement a DNS attack, do you see that?

17 A. Yes, I do.

18 Q. What did you mean by DNS attack?

19 A. I don't know.

20 Q. Sitting here today, do you have any personal
21 knowledge of a DNS attack on the Georgia election
22 system?

23 A. I don't know if one has or has not occurred.

24 Q. Okay. Sitting here today, do you have any
25 personal knowledge of an XML file being manipulated

Page 86

1 to redirect scanned votes to a different candidate
2 other than that of the voter's choice?

3 A. I have no -- no way of knowing either way.

4 MR. SPARKS: Since we're coming up on the
5 lunch hour, I just wanted to put in mind that
6 when you get to a good point for a break we
7 should probably plan to take one.

8 MR. BELINFANTE: Sure. Why don't we this.
9 I've got just a couple of questions in this area,
10 and then -- then we'll take a break.

11 MR. SPARKS: Okay. That should be fine.
12 Thanks.

13 MR. BELINFANTE: Thank you.

14 BY MR. BELINFANTE:

15 Q. All right. If you could you look at
16 paragraph 87, which is on page 27 of the complaint.

17 A. Okay.

18 Q. My question is in the scheme of things, what
19 do you think is a more likely outcome, a voter making
20 a mistake on their ballot or a systemic attack on an
21 election?

22 MR. SPARKS: Objection. It calls for
23 speculation.

24 You may answer.

25 THE WITNESS: I don't know. I mean, it

1 depends on the voter.

2 BY MR. BELINFANTE:

3 Q. Sitting here today, do you believe that
4 there has been a systemic attack on any Georgia
5 election?

6 A. I have no way of knowing either way.

7 Q. How could one prove to you that there has
8 not been a systemic attack on a Georgia election?

9 A. They probably could not.

10 MR. BELINFANTE: Mr. Sparks, I'm about to
11 get into the counts. So if you want to take a
12 break now, it might be an appropriate time to do
13 so.

14 MR. SPARKS: Yeah. I think that should be
15 fine.

16 MR. BELINFANTE: Okay. Would you guys like
17 to come back at -- at 12:50, 1:00? You tell me.
18 I've probably got --

19 We can go off the record, if that's all
20 right with everyone.

21 THE VIDEOGRAPHER: Stand by, please.

22 The time is 11:51 a.m. We are off video
23 record.

24 (A lunch recess was taken.)

25 THE VIDEOGRAPHER: The time is 12:32 p.m.

Page 88

1 We are back on video record.

2 BY MR. BELINFANTE:

3 Q. Ms. Curling, I'm going to show you -- we're
4 back on the third amended complaint. The page 35
5 begins Count III. My questions are going to be about
6 paragraph 116, which is on page 36 of the document.

7 A. Stop at 117?

8 Q. Sure. For now that's fine.

9 Paragraph 116 (a) says that the proposed
10 election system, which was the DRE -- or excuse me,
11 the BMD system, the Dominion system, fails to provide
12 reasonable and adequate protection against the real
13 and substantial threat of electronic and other
14 intrusion and manipulation by individuals and
15 entities without authorization to do so.

16 What would constitute reasonable and
17 adequate protection as you allege in this paragraph?

18 MR. SPARKS: Objection. It calls for a
19 legal conclusion.

20 You may respond.

21 THE WITNESS: I'm not sure. Wait a minute.

22 I don't know.

23 BY MR. BELINFANTE:

24 Q. All right. Sitting here today, do you have
25 any knowledge of an actual threat of electronic and

Page 89

1 other intrusion and manipulation by individuals and
2 entities without authorization to do so?

3 A. Yes; the KSU system in 2017. Is that what
4 you're talking about?

5 Q. I'm just talking about paragraph --

6 A. Yes.

7 Q. -- 116 (a).

8 A. Yes. So, yes, there -- there -- there was
9 an intrusion and that system was hacked.

10 Q. Do you know who it was hacked by?

11 A. Logan Lamb.

12 Q. And did Logan Lamb, to your knowledge,
13 attempt to change the outcome of any election?

14 A. To my knowledge, no; but he -- his access
15 means that a -- that many others could have had
16 access who could have.

17 Q. Could have but you sitting here today have
18 no knowledge of anyone who actually did hack the
19 system?

20 A. I have no knowledge anyone did or did not.

21 Q. And there's no way that anyone could prove
22 to you that someone did not hack the system; isn't
23 that right?

24 A. That's correct.

25 Q. So when you say, though, that the -- Logan

Page 91

1 You may answer.

2 THE WITNESS: I'm assuming -- this is for
3 like -- I don't know. I don't know. Election
4 workers, not -- I don't -- I don't know.

5 BY MR. BELINFANTE:

6 Q. All right. It also says that the proposed
7 election system in paragraph 116 (b) does not provide
8 the minimal and legally required protection for such
9 equipment to secure against unauthorized tampering.

10 What did you mean by that?

11 MR. SPARKS: Same objection.

12 You may answer.

13 THE WITNESS: And same answer.

14 BY MR. BELINFANTE:

15 Q. All right. In the last part of 116 (b), it
16 says that the proposed election system does not or
17 fails to ensure that all such equipment, firmware,
18 and software is reliable, accurate, and capable of
19 secure operation as required by law.

20 What did you mean by that?

21 MR. SPARKS: Same objection.

22 You may answer.

23 THE WITNESS: And same answer.

24 BY MR. BELINFANTE:

25 Q. Is it your position that the scanners used

Page 92

1 in the Dominion system, or the current voting system,
2 are reliable, accurate, and capable of secure
3 operation as required by law?

4 MR. SPARKS: Same objection.

5 You may answer.

6 THE WITNESS: I don't know.

7 BY MR. BELINFANTE:

8 Q. Okay. If the scanners that we currently use
9 with the BMD system were used to scan hand-marked
10 paper ballots and there was a risk-limiting audit,
11 would that constitute a constitutional method of
12 conducting elections in Georgia?

13 MR. SPARKS: Objection. It calls for
14 speculation and a legal conclusion.

15 You can answer.

16 THE WITNESS: I would feel better about it,
17 but I still feel like there's -- it's not
18 transparent. The whole thing is just not
19 transparent. So like even an audit isn't going
20 to guarantee me that my vote counts, and this is
21 about my vote and my lack of confidence in my
22 vote.

23 BY MR. BELINFANTE:

24 Q. And what is -- okay. So in that case, what
25 would give you confidence in your vote and have you

1 overcome your fear that your vote is not being
2 counted?

3 MR. SPARKS: Objection; compound.

4 You can answer.

5 THE WITNESS: I didn't hear the last part of
6 your question.

7 BY MR. BELINFANTE:

8 Q. Sure.

9 What would give you confidence that your
10 vote is counted so you could overcome your fear that
11 it is not counted?

12 A. I don't know. I would want to discuss it
13 with the experts that I know and let them, you know,
14 guide me as to the things that could help me to have
15 confidence.

16 Q. So your confidence is dependent upon
17 conversations with experts?

18 MR. SPARKS: Objection. It mischaracterizes
19 testimony.

20 You can answer.

21 THE WITNESS: Yeah, conversations with
22 people who -- who know.

23 BY MR. BELINFANTE:

24 Q. Ms. Curling, do you have any independent
25 opinion on what would -- what would satisfy your

1 fears about elections in Georgia?

2 MR. SPARKS: Objection. It calls for
3 speculation.

4 You can answer.

5 THE WITNESS: No; but I mean, I would settle
6 for hand-marked paper ballots and -- and to be
7 scanned in and risk-limiting audits.

8 BY MR. BELINFANTE:

9 Q. And to be clear when you say and scanned,
10 would you be satisfied if they were scanned on the
11 existing Dominion systems?

12 A. I don't think it makes any difference which
13 scanner is used, but keep in mind that a lot of the
14 things that have been discovered are not known to me.
15 They're sealed. I don't know what the experts found,
16 but I know specifically that -- that something was
17 found with the Dominion system. And so that makes me
18 reluctant to say whether I would or would not be
19 happy with the Dominion scanner.

20 Q. You said something was found. What was that
21 something?

22 A. I don't know. I'm not privy to that
23 information.

24 Q. So your fear of the scanners is based on
25 something you know that the experts at least

Page 95

1 purportedly discovered, but you don't have any
2 personal knowledge of what that is; is that correct?

3 A. And I don't know if it was the scanner or
4 the B -- or the machine or the print -- I have no
5 idea what was found. I don't know means I don't
6 know.

7 Q. Okay. At the time you filed this lawsuit,
8 what was the harm -- what was the injury that led you
9 to file the third amended complaint?

10 MR. SPARKS: Objection to the extent it
11 calls for a legal conclusion.

12 THE WITNESS: So when was this filed?

13 Honestly, it was so -- so long ago I just don't
14 remember. I don't remember.

15 BY MR. BELINFANTE:

16 Q. Okay. You would agree with me, though, that
17 at the time you filed at this lawsuit -- and by
18 lawsuit -- let me -- let me start over.

19 You would agree with me that the time you
20 filed the third amended complaint in October of 2019
21 you did not have any knowledge of an actual hack of
22 Georgia's election system, correct?

23 A. I didn't have any evidence either way that
24 it had or had not.

25 Q. Okay. So at the time you filed the lawsuit

Page 96

1 in October of 2019, is it fair to say that your
2 injury was your fear that the system could be hacked?

3 MR. SPARKS: Objection. It calls for a
4 legal conclusion, asked and answered.

5 You may answer.

6 THE WITNESS: It is about the lack of
7 transparency. This is about my vote, and I have
8 no way of knowing. It's not about fear. It's
9 about that there's no way to know, and I have a
10 problem with that.

11 BY MR. BELINFANTE:

12 Q. And so the reason that you filed the
13 complaint is your concern of something that you don't
14 know? Is that what I understand you to be testifying
15 to?

16 A. No. It's --

17 MR. SPARKS: Objection; mischaracterizes,
18 asked and answered.

19 Go ahead, Ms. Curling. I'm sorry to
20 interrupt you.

21 THE WITNESS: It's based on information,
22 things that I've read throughout my time of
23 working on this issue that concern me. So, no,
24 not that I don't know but just it's pretty broad.

25 BY MR. BELINFANTE:

Page 97

1 Q. And do you have any reason to believe that a
2 vote you cast in the 2020 election, be it the primary
3 or the general election, was not counted?

4 A. I don't know if it was or was not.

5 Q. Okay. Is there anything that anyone could
6 submit to you that would give you that confidence?

7 A. No.

8 Q. Let's look at paragraph 117 of the third
9 amended complaint, which starts on page 36 and goes
10 to page 37.

11 MR. SPARKS: Let the record reflect that
12 Ms. Curling still has a clean, unmarked as filed
13 copy of the third amended complaint for Curling
14 plaintiffs in front of her.

15 THE WITNESS: Starting at 116?

16 BY MR. BELINFANTE:

17 Q. Paragraph 117, Ms. Curling. Starting on
18 page --

19 A. 117, okay.

20 Okay. Just 117 or all of it?

21 Q. Yes, ma'am, just 117.

22 A. Okay.

23 Q. Where it says that a system must be -- that
24 must be presumed to be compromised and incapable of
25 producing verifiable results -- let's start with the

Page 98

1 presumed to be compromised. Why must the system be
2 presumed to be compromised?

3 A. I'm assuming it's still about the -- the
4 fact that the system was breached.

5 Q. Let's go back and look up at the top of
6 paragraph 30 -- or 116, excuse me, which discusses
7 the proposed election system. Do you understand the
8 proposed election system to be the BMD system?

9 A. Okay. So -- all right.

10 Q. So then going back to paragraph 117, which
11 again refers to the proposed election system, why
12 must the proposed election -- the Dominion BMD system
13 be presumed to be compromised?

14 A. I don't know.

15 Q. All right. And as we kind of went through
16 before, it is possible to verify the results of an
17 election using the current Dominion BMD system, isn't
18 it?

19 MR. SPARKS: Objection. It mischaracterizes
20 prior testimony.

21 You may answer.

22 THE WITNESS: Would you repeat the question?

23 BY MR. BELINFANTE:

24 Q. Sure.

25 Sitting here today, do you -- do you believe

Page 99

1 that it is possible to verify the results of an
2 election using the BMD system?

3 MR. SPARKS: Same objection.

4 You may answer.

5 THE WITNESS: Not conclusively, no.

6 BY MR. BELINFANTE:

7 Q. Can you ever conclusively verify an election
8 result?

9 A. Probably not. I don't know.

10 Q. All right. Paragraph 119, if you'll go
11 ahead and read that and tell me once you have.

12 A. Okay.

13 Q. All right. Paragraph 119 (c) asks for an
14 award of attorneys' fees and costs for Defendants'
15 causation of concrete injury to Plaintiffs.

16 What is the concrete injury that you have
17 experienced as a result of the use of the Dominion
18 BMD system?

19 MR. SPARKS: Objection to the extent it
20 calls for a legal conclusion.

21 You may answer.

22 THE WITNESS: I have no idea if my vote
23 counted or was not counted. That's my injury.

24 BY MR. BELINFANTE:

25 Q. And that would be true if you used a

Page 102

1 MR. SPARKS: Objection to the extent it
2 calls for a legal conclusion.

3 You can answer.

4 THE WITNESS: Right to vote.

5 BY MR. BELINFANTE:

6 Q. And your right to vote -- how is your right
7 to vote injured as a result of Georgia's use of the
8 proposed election system as alleged in the complaint?

9 MR. SPARKS: Same objection.

10 You can answer.

11 THE WITNESS: Because I don't know if my
12 vote is counted as I cast my vote.

13 BY MR. BELINFANTE:

14 Q. Count IV alleges a violation of the Equal
15 Protection Clause of the 14th Amendment. Can you
16 tell me your understanding of what the harm is or
17 what the equal protection violation is in Georgia
18 elections using the -- as alleged in the complaint?

19 A. I am not a hundred percent sure, but I think
20 it's saying that -- that everyone is to be treated
21 the same.

22 Q. Who is treated differently as a result of
23 the way that Georgia conducts elections?

24 A. I don't know. I don't know the answer to
25 these questions.

Page 103

1 Q. Okay. Let's look at paragraph 124 on page
2 38 of the third amended complaint.

3 All right. Can the paper ballots that come
4 from Georgia's BMD system be recounted?

5 MR. SPARKS: Objection; vague.

6 THE WITNESS: I assume that they can be, but
7 I think general -- the general practice is to --
8 to re-scan.

9 BY MR. BELINFANTE:

10 Q. And when you say here that absentee paper
11 ballots are verifiable recountable ballots, did you
12 mean recountable through scanning or did you mean
13 recountable by human review without a machine?

14 A. They're verifiable by human review.

15 Q. And that's because you can see the voter's
16 choice as bubbled in next to the candidate's name,
17 correct?

18 A. Correct.

19 Q. And with a BMD paper ballot, you can see the
20 voter's choice identified below the QR code; isn't
21 that correct?

22 MR. SPARKS: Objection. It mischaracterizes
23 testimony.

24 You may answer.

25 THE WITNESS: That's correct.

1 BY MR. BELINFANTE:

2 Q. You say in paragraph 125 that the -- go
3 ahead and just read that and then I'll -- let me know
4 when you've completed it.

5 A. Okay. Do I go on to the next page to the
6 (a), (b), and (c) or not?

7 Q. Sure. Why don't you go ahead and do that.

8 A. Okay.

9 Q. Now, Ms. Curling, you had this complaint
10 filed in October of -- this third amended complaint
11 in October of 2019 before the general election in
12 2020.

13 Having gone through the general election in
14 2020 and the recounts that occurred, do you still
15 believe that the current BMD election system cannot
16 reliably prevent or detect errors?

17 A. Cannot reliably do what?

18 Q. Prevent or detect errors as is alleged in
19 paragraph 25.

20 A. I -- yes, I agree.

21 Q. Okay. And do you still believe that the
22 current BMD system cannot reliably determine election
23 results?

24 MR. SPARKS: Objection; vague.

25 You may answer.

Page 105

1 MR. BELINFANTE: What was the objection?

2 I'm sorry.

3 MR. SPARKS: I'm sorry. The objection -- I
4 objected vague.

5 THE WITNESS: The word "reliably" would lead
6 me to say I still believe that, yes.

7 BY MR. BELINFANTE:

8 Q. All right. So -- so do you then believe
9 that the presidential election in Georgia, the
10 election results were not reliable?

11 A. Were not --

12 Q. Reliable.

13 And by presidential election, I mean the
14 November 2020 presidential election. Do you believe
15 the results were not reliable?

16 A. I think that there's no way to know, but
17 that every effort was made to try to generate
18 confidence that it was accurate.

19 Q. And sitting here today, do you have
20 confidence that the results of the November 2020
21 presidential election were accurate?

22 A. I feel like they were because I feel like a
23 lot was done to ensure that confidence, but I don't
24 know. I don't know.

25 Q. So do you believe that the presidential

Page 106

1 election in the state of Georgia in November of 2020
2 was a constitutional election?

3 MR. SPARKS: Objection. It calls for a
4 legal conclusion.

5 You may answer.

6 THE WITNESS: No idea.

7 BY MR. BELINFANTE:

8 Q. What would make you feel that the 2020 --
9 let me rephrase.

10 What would make you feel that any election
11 was conducted in a manner consistent with the United
12 States Constitution?

13 MR. SPARKS: Objection; speculative and
14 calls for a legal conclusion.

15 You may answer.

16 THE WITNESS: I don't -- I don't know.

17 BY MR. BELINFANTE:

18 Q. If you could read paragraph 126 and then let
19 me know when you've concluded.

20 A. Okay.

21 Q. This is a similar paragraph to one we looked
22 at a moment ago, and it talks about minimal and
23 legally required steps both to ensure that such
24 equipment cannot be manipulated or operated without
25 authorization and minimal and legally required

1 protection for such equipment to secure against
2 authorization -- excuse me, unauthorized tampering.

3 Sitting here today, do you know what those
4 minimal and legally required steps would be?

5 A. No, I don't.

6 Q. Okay. If you could look at paragraph 129
7 and then just let me know once you've had a chance to
8 read that.

9 A. Okay.

10 Q. In your own words, can you explain to me
11 what you meant in that paragraph?

12 A. They're talking about that it's not equal
13 the people who vote on the machines versus the people
14 who vote by absentee ballots.

15 Q. Okay. And why is it not equal?

16 A. It's because the people who vote by absentee
17 ballots can verify their vote.

18 Q. And a person voting on a BMD can read the
19 selection below the QR code and see the names of
20 candidates that they have chosen, correct?

21 A. Correct.

22 Q. And does that not constitute some form of
23 verifying their vote?

24 A. It doesn't constitute how the scanner is
25 going to read their vote.

Page 111

1 so.

2 MR. BELINFANTE: Sure. Just let me know
3 when you've got it.

4 MR. SPARKS: Okay. We have the document up
5 now. Thank you.

6 MR. BELINFANTE: Okay.

7 BY MR. BELINFANTE:

8 Q. And I acknowledge it's is a little blurry on
9 the screen.

10 Ms. Curling, toward the back of this
11 e-mail -- well, never mind.

12 You say on the first page -- well, again,
13 let me give you a chance -- I think my only questions
14 are going to be coming from your e-mail, this last
15 bit here starting with I'm laughing out loud down to
16 thanks for being careful. So if you want to reread
17 that, I'll -- let me know when you've finished.

18 A. Okay. I remember this e-mail, so...

19 Okay.

20 Q. All right. The last sentence of the first
21 paragraph says: It's insane but voting has truly
22 become one of the most anxiety provoking American
23 activities and it should not be that way.

24 What is it about voting that makes it an
25 anxiety provoking activity for you?

Page 112

1 A. Okay. Well, for one because I don't trust
2 the machines. I have to go through the exercise of
3 getting an absentee ballot. In the election in
4 question, the Secretary of State's office was
5 incredibly late. You then have to like wait and hope
6 and pray you get your ballot in time to mark it and
7 return it so that your vote will be counted. That's
8 what I mean.

9 Q. Okay. Do you recall if in the -- this was
10 sent in October, so I presume you're talking about
11 the general election in November; is that correct?

12 A. I guess so, yeah.

13 Q. Okay.

14 A. Let me see. Okay.

15 Q. And do you recall if in the November 2020
16 election how you returned your ballot, by mail or
17 drop box?

18 A. Wow. I -- okay. I believe for 2020 my -- a
19 bunch of my friends and I requested our ballots at
20 the same time. Theirs came in literally months
21 before mine. My husband's and mine -- Doug got his
22 the Saturday before election day, and I got mine on
23 the Monday before election day. So I filled it out
24 and then took it to the drop box and put it in.

25 Q. Okay. And your friends that got theirs

Page 113

1 months before, do they also live in Fulton County?

2 A. Yes, they do.

3 Q. Okay. The second to last sentence on the
4 last paragraph says: I still worry we will get
5 screwed here because of the machines, but I don't
6 think that they will be rejecting ballots for simple
7 things.

8 Do you see that?

9 A. Yeah.

10 Q. When you said, I still worry we'll get
11 screwed here because of the machines, what were you
12 referring to? What did you mean?

13 A. I mean, if there were software programming
14 in the machines that could, you know -- would -- all
15 the things you worry about with a nontransparent
16 system.

17 Q. And sitting here today, do you have any
18 reason to believe that your fears were materialized?

19 A. I'll never know one way or another.

20 Q. Sorry. I'm just pulling up another
21 document.

22 A. No problem.

23 (Exhibit 11 was marked for
24 identification, attached at the end of
25 the original transcript.)

Page 124

1 Do you see that?

2 A. I see it.

3 Q. Okay. Do you have an independent opinion
4 about that statement?

5 A. Yes. All of this is over my head.

6 Q. Okay. You said before that you had an issue
7 voting absentee in a prior election and your vote
8 didn't count. Can you just tell me about that?

9 A. Well, actually, I've -- I've recently
10 learned that there were two of -- two such incidents.
11 One I described to you earlier that my absentee
12 ballot for the 2020 election came the Monday before
13 election day. I filled it out, took it, and put it
14 in a drop box. For whatever reason, it was not
15 counted. I didn't learn that until the attorneys
16 produced the records of my voting history.

17 The other instance was in 2017 I was trying
18 to vote on paper. I didn't -- it was my first time
19 to do an absentee ballot, so I called, talked to the
20 elections office and got all the instructions, which
21 over half of which were wrong, but tried to follow
22 them to the best of my ability. In the end, once I
23 got my ballot, I went to the North Fulton Annex, hand
24 delivered it to the election office. I asked her if
25 this was the right place to turn it in. She said

Page 125

1 yes. I asked her to look at the signature
2 verification on the back and to make sure that
3 everything there was in order. She said yes. And I
4 said so if I leave my ballot here, this is where it
5 will get counted. She said yes. I left.

6 I didn't find out until we were sitting in
7 the courtroom and -- that my vote didn't count that
8 particular election. I don't know why, but it
9 didn't.

10 Q. All right. And -- and all of your voting
11 and the incidents you described, that occurred in
12 Fulton County?

13 A. Yes.

14 Q. Okay. How long have you been a resident of
15 Fulton County?

16 A. Since 1987.

17 Q. All right. Sorry. I'm looking for a
18 document, and I'm having trouble locating it.

19 MR. BELINFANTE: All right. Counsel, I know
20 we just did this, but that was -- I had to --
21 there was a different document that I was pulling
22 up.

23 If everyone will give me ten minutes, I
24 could be done. So if we go off the record and
25 reconvene at 2:15, I think we could conceivably

Page 140

1 CERTIFICATE
2
3

STATE OF GEORGIA:
COUNTY OF GWINNETT:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the colloquies, questions and answers were reduced to typewriting under my direction; that the transcript is a true and correct record of the evidence given upon said proceeding.

I further certify that I am not a relative or employee or attorney of any party, nor am I financially interested in the outcome of this action.

I have no relationship of interest in this matter which would disqualify me from maintaining my obligation of impartiality in compliance with the Code of Professional Ethics.

I have no direct contract with any party in this action and my compensation is based solely on the terms of my subcontractor agreement.

Nothing in the arrangements made for this proceeding impacts my absolute commitment to serve all parties as an impartial officer of the court.

This the 3rd day of February, 2022.



LAURA R. SINGLE, CCR-B-1343

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January 19, 2022

Page 142

1 ERRATA

2 I, the undersigned, do hereby certify that I have read
3 the transcript of my testimony, and that

4 There are no changes noted.

5 The following changes are noted:

6
7 Pursuant to Rule 30(7)(e) of the Federal
8 Rules of Civil Procedure and/or OCGA 9-11-30(e), any
9 Changes in form or substance which you desire to make to
10 your testimony shall be entered upon the deposition with
11 a statement of the reasons given for making them. To
12 assist you in making any such corrections, please use the
13 form below. If additional pages are necessary, please
14 furnish same and attach.

15 Page Line Change

16 Please see attachment.

17 Reason for change

18 Page Line Change

19 Reason for change

20 Page Line Change

21 Reason for change

22 Page Line Change

23 Reason for change

24 Page Line Change

25 Reason for change

Page 143

1 Page _____ Line _____ Change

2 _____

3 Reason for change _____

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5 Page _____ Line _____ Change _____

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7 Reason for change _____

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9 Reason for change _____

10 Page _____ Line _____ Change _____

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12 Reason for change _____

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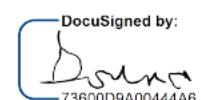
19 _____

3/6/2022 | 5:02:20 AM PST

20 Dated this _____, at
Roswell, Georgia

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DONNA CURLING

24 _____

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ERRATA SHEET

Corrections to Deposition Transcript of Donna Curling (January 29, 2022)

Case Name: *Curling v. Raffensperger*, No. 1:17-cv-02989-AT (N.D. Ga.)

Transcript received: February 4, 2022

<u>Page No.</u>	<u>Line No.</u>	<u>Correction From</u>	<u>Correction To</u>	<u>Reason for Change</u>
32	11	No	Yes, not a seminar but a presentation at the Capitol by competing vendors.	Correction
37	12/13	I am not, but I'm also not aware that there were not any.	I am not, but I'm also not aware that there were not any hacks. I know the system was breached but have no way to know if it was hacked	Clarification
43	10-13	I mean, I maintain I could see what the printed out said my vote was as I intended; but I have no idea, when I put into the scanner, the scanner read the QR Code. I don't know.	I mean, I maintain I could see what was printed out said that my vote was as I intended. But I have no idea, when I put it into the scanner, if the scanner read it in the QR Code. I don't know.	Transcription error
54	17	2022	2020	Transcription error

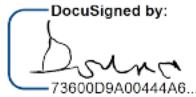
<u>Page No.</u>	<u>Line No.</u>	<u>Correction From</u>	<u>Correction To</u>	<u>Reason for Change</u>
61	25	They can, yes; ...	They can verify what names are printed, yes; ...	Clarification
66	15	Yes	Yes, not in the sense of taking victory from one candidate and give it to another, but rather to say it was impossible to determine the outcome using that election system	Clarification
71	18	Yes	No, because the QR code still exists	Correction
77	5	Again, as long as there are audits, ...	Again, as long as there are risk-limiting audits, ...	Clarification

<u>Page No.</u>	<u>Line No.</u>	<u>Correction From</u>	<u>Correction To</u>	<u>Reason for Change</u>
79	15	Not that I know of.	Not that I know of aside from my claims, because I believe an individual's rights are violated if forced to vote on a system that lacks transparency like the BMD system. Additionally, it turns out that my rights were violated when I used the alternate absentee ballot system in previous elections, as my votes were sometimes not counted at all.	Correction
79	20	Yes.	Yes, they helped, but those actions only applied to the Presidential race and no other races were subjected to this scrutiny.	Clarification
80	4	Human	Human-readable	Clarification
84	18	I'm just not even sure I know anymore.	No, RLAs are not enough as long as a QR or barcode is what is tabulated.	Correction

<u>Page No.</u>	<u>Line No.</u>	<u>Correction From</u>	<u>Correction To</u>	<u>Reason for Change</u>
90	9	It is not.	The old Diebold system is not, but the database he accessed still is.	Clarification
90	16	Of either	Either way	Clarification
91	2-4	I'm assuming – this is for like – I don't know. I don't know. Election workers, not – I don't – I don't know.	A voting system should be secure, transparent, accurate, and reliable, and use RLAs if tabulated by a software dependent system	Correction
92	6	I don't know	I don't know, but I do not believe so	Clarification
97	4	I don't know if it was or was not.	Through this lawsuit I learned that my 2020 primary ballot was not counted; I do not know if my votes in the general election were counted as cast	Correction
99	23	...or was not counted. That's my injury.	... or was not counted as cast. That's my injury.	Clarification
100	3	That's true.	That's true, but I can at least verify my selections are accurate.	Clarification.

<u>Page No.</u>	<u>Line No.</u>	<u>Correction From</u>	<u>Correction To</u>	<u>Reason for Change</u>
100	21-22	Not aside from some travel but – early on, not since.	Early on, I paid \$75,000 to Holcomb & Ward through the Coalition for Good Governance, and had some additional travel expenses to DC when Steptoe and Johnson represented me.	Correction
102	24-25	I don't know. I don't know the answer to these questions.	Voting absentee and on BMDs are not equal as they are very different. Absentee ballots are supposed to be an alternative to voting on BMDs but in my case, more than once resulted in losing my vote, in addition to other challenges I faced in order to avoid voting on a BMD.	Correction
103	25	That's correct.	That's correct, it should be.	Clarification
108	5	That's correct.	That's correct, but I can at least verify my selections are accurate.	Clarification

<u>Page No.</u>	<u>Line No.</u>	<u>Correction From</u>	<u>Correction To</u>	<u>Reason for Change</u>
122	6	No.	No, whether it would be produced was up to my attorneys.	Clarification
122	17	No.	No, the Court said we did not have to look through or produce personal documents.	Clarification

DocuSigned by:

73600D9A00444A6...

3/6/2022 | 5:02:20 AM PST

Donna A. Curling

Date